

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

REBECCA RODDY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:04-CV-187
)	Judge Curtis L. Collier
SEARS, ROEBUCK & COMPANY,)	
)	
Defendant,)	

ORDER

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Sears, Roebuck & Company (“Sears”) filed a Motion for Summary Judgment (Court File Nos. 35, 43). The Court referred the matter to United States Magistrate Judge Susan K. Lee pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). In accordance with Rule 72(b) of the Federal Rules of Civil Procedure, the magistrate judge filed a report and recommendation recommending Sears’ motion for summary judgment be denied (Court File No. 48). Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with the magistrate judge’s report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1)(B) & (C), and Rule 72(b), and hereby **ORDERS**:

- (1) Sears’ motion for summary judgment, as amended (Court File Nos. 35, 43) is **DENIED**.

SO ORDERED.

ENTER:

/s/
**CURTIS L. COLLIER, CHIEF
UNITED STATES DISTRICT JUDGE**